

United States District Court

SEP - 2 2016

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

Jose Roberto Hernandez

CRIMINAL COMPLAINT

Case Number: M-16-1637-M

IAE YOB: 1988

Honduras

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my

knowledge and belief. On or about September 1, 2016 in Hidalgo County, inthe Southern District of Texas

(Track Statutory Language of Offense)

being then and there an alien who had previously been deported from the United States to Honduras in pursuance of law, and thereafter was found near Hidalgo, Texas, within the Southern District of Texas, the Attorney General of the United States and/or the Secretary of Homeland Security, not theretofore having consented to a reapplication by the defendant for admission into the United States;

in violation of Title 8 United States Code, Section(s) 1326 (Felony)

I further state that I am a(n) Senior Patrol Agent and that this complaint is based on the following facts:

Jose Roberto Hernandez was encountered by Border Patrol Agents near Hidalgo, Texas on September 01, 2016. The investigating agent established that the Defendant was an undocumented alien and requested record checks. The Defendant claims to have illegally entered the United States on September 01, 2016, near Hidalgo, Texas. Record checks revealed the Defendant was formally Deported/Excluded from the United States on August 31, 2009, through Atlanta, Georgia. Prior to Deportation/Exclusion the Defendant was instructed not to return to the United States without permission from the U.S. Attorney General and/or the Secretary of Homeland Security. On March 26, 2008, the defendant was convicted of Kidnapping and Sexual Battery and sentenced to twenty-four (24) to thirty-eight (38) months confinement.

Continued on the attached sheet and made a part of this complaint:

Sworn to before me and subscribed in my presence,

September 02, 2016

8:01 pm

Peter E. Ormsby, U.S. Magistrate Judge
Name and Title of Judicial Officer

Yes ☐ No ☒
Signature of Complainant

Francisco Armendariz Senior Patrol Agent

Peter E. Ormsby
Signature of Judicial Officer